



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB1507

Introduced 2/20/2015, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/22-62 new
105 ILCS 5/22-60 rep.

Amends the School Code. Provides that school districts need not comply with and may discharge any mandate or requirement placed on school districts by the Code or by administrative rules adopted by the State Board of Education that is unfunded; with exceptions. Provides that before a school district may lawfully discharge an unfunded mandate, it must hold a public hearing and referendum on the matter; sets forth requirements concerning the hearing and referendum. Requires a school board to report each unfunded mandate it has discharged to the State Board of Education, and requires the State Board to compile and report this information to the General Assembly each year. Repeals a Section of the Code concerning an unfunded mandates prohibition.

LRB099 08682 NHT 28848 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Section
5 22-62 as follows:

6 (105 ILCS 5/22-62 new)

7 Sec. 22-62. Discharge of unfunded mandates.

8 (a) School districts need not comply with and may discharge
9 any mandate or requirement placed on school districts by this
10 Code or by administrative rules adopted by the State Board of
11 Education that is unfunded.

12 (b) Subsection (a) of this Section does not apply to any of
13 the following:

14 (1) Laws and rules pertaining to student health, life,
15 or safety.

16 (2) Federally required mandates, including without
17 limitation compliance with the federal No Child Left Behind
18 Act of 2001 (Public Law 107-110).

19 (3) Laws and rules pertaining to civil rights and
20 protections.

21 (c) Before a school district may lawfully discharge an
22 unfunded mandate under subsection (a) of this Section, it must
23 hold a public hearing and referendum on the matter. The school

1 district must post information that sets forth the time, date,
2 place, and general subject matter of the public hearing on its
3 Internet website at least 14 days prior to the hearing. The
4 school district must publish a notice of the public hearing at
5 least 7 days prior to the hearing in a newspaper of general
6 circulation within the school district that sets forth the
7 time, date, place, and general subject matter of the hearing.
8 The school district must notify, in writing, the affected
9 exclusive collective bargaining agent and those State
10 legislators representing the affected territory of its intent
11 to discharge an unfunded mandate and of the hearing to be held
12 to take testimony from staff. The affected exclusive collective
13 bargaining agent must be notified of the public hearing at
14 least 7 days prior to the date of the hearing and must be
15 allowed to attend the hearing. The school district shall attest
16 to compliance with the requirements of this subsection (c).

17 After the public hearing, the question of whether a school
18 district may discharge an unfunded mandate must be submitted to
19 the electors of the school district at a regular election and
20 approved by a majority of the electors voting on the question.
21 The school board must certify the question to the proper
22 election authority. The election authority must submit the
23 question at an election in accordance with the Election Code,
24 which election must be at least 6 months after the public
25 hearing was held. The election authority must submit the
26 question in substantially the following form:

1 Shall the school board of (name of school district)
2 discharge the unfunded mandate or requirement placed on the
3 school district by the State concerning (description of the
4 mandate or requirement)?

5 The election authority must record the votes as "Yes" or "No".

6 If a majority of the electors voting on the question vote
7 in the affirmative, the school board may discharge the unfunded
8 mandate.

9 (d) A school board shall report each unfunded mandate it
10 has discharged under this Section to the State Board of
11 Education. The State Board shall compile and report this
12 information to the General Assembly each year.

13 (105 ILCS 5/22-60 rep.)

14 Section 10. The School Code is amended by repealing Section
15 22-60.